

# *Pieters & Pieters*

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July 24, 2009

Colleen Simmons, AICP  
Community Planner II  
INRCOG  
229 East Park Avenue  
Waterloo, IA 50703

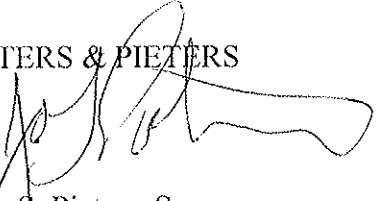
### **RE: CITY OF JESUP – I-Jobs – TITLE OPINION**

Dear Ms. Simmons:

Enclosed you will find my Title Opinion in the above matter. Please let me know if you need anything further.

Sincerely,

PIETERS & PIETERS

  
John S. Pieters, Sr.

Enc.

Cc: Jake Spiegel – via email only  
Linda Bunnell – via email only

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July 24, 2009

City of Jesup  
531 ½ Prospect Street  
PO Box 592  
Jesup, IA 50648

**RE: 791 6<sup>th</sup> STREET – CITY HALL – TITLE OPINION**

Dear City of Jesup:

I have carefully examined the Abstract of Title commencing with the filing of the **root of title** and have examined documents recorded subsequent thereto to the following described real estate to-wit:

**Lot 211, Original Plat, City of Jesup, Buchanan County, Iowa except the South seventy-six (76) feet of the East eighteen (18) feet thereof.**

and find that good and merchantable title is vested in:

***The City of Jesup, Iowa***

free and clear of all restrictions and encumbrances except as follows:

1. The property is **zoned** under the provisions, regulations and restrictions of C-1 Commercial District. You should familiarize yourself with this zoning.
2. I agree to indemnify you and your successors in interest in the Mortgage or Deed of Trust opined hereto, to the full extent of any loss attributable to a breach of my duty to exercise reasonable care and skill in the examination of the title and the giving of this opinion.
3. This Certificate of Title/Title Opinion includes all such matters of record which have not become void or unenforceable under applicable statutes of limitation and the Iowa Title Standards, including but not limited to contracts, mortgages, assignments, liens, leases, assignments of rent, building setback lines, easements, restrictive covenants, leases and encumbrances, unpaid real estate taxes or assessments and all amendments to such documents up to and including the time of the last abstract

certification by the participating abstractor.

4. You are cautioned that there are matters that may affect either the marketability of the title or your intended use of the property, which matters either cannot or are not shown upon an abstract; and are, therefore, not certified to by this title examiner. As to each of these matters, you must make your own independent investigation to determine: first, if any such matters do exist; and, if so, whether any such matters adversely affect either the title to the property or your intended use thereof. These matters not shown on the abstract are as follows:
  - a. The location of property boundary lines and any defects of title or other facts that might be disclosed by a survey;
  - b. Rights of parties in possession of the property, the nature of which possession is not shown on the abstract;
  - c. The making of improvements upon and to the real estate in the form of either labor or materials between ninety (90) days prior to the date of the last continuation of the abstract and the present time for which mechanics' liens might subsequently be filed;
  - d. Easements acquired by usage;
  - e. Any restrictions or requirements as to building, occupancy or usage contained in any applicable zoning, building, health, or other city, town or county ordinances;
  - f. Rights of access to and from highways and streets which may be controlled by state, county, city, or town authorities; also in some cases, access rights over and across other land not covered by this abstract;
  - g. Whether or not a plat of survey or a subdivision plat may be required under Chapter 409A of the Iowa Code;
  - h. If there are easements or agreements of record conferring some right upon the owners of this particular property to land not covered by this abstract, whether the party who entered into the agreement or granted the easement, in fact, owned the real estate not covered by the abstract; and whether such person had any authority to subject that land to the rights of others;
  - i. Actions for dissolution of marriage prior to decree which are pending but not a matter of public record;
  - j. Any special assessments still unconfirmed;
  - k. Whether or not there exists on the property hazardous substances, pollutants, contaminants, hazardous wastes, underground storage tanks, drainage wells, active or abandoned water wells or other environmentally regulated activities. You are advised that federal, state and local legislation may, in the event there are environmental and/or public health violation, permit injunctive relief and require removal and remedial actions or other "clean up". The cost of such "clean up" may become a lien against the real estate for which you may be held

personally liable even though you may not have disposed of any hazardous substances, pollutants, contaminants or hazardous wastes on the real estate or used any underground storage tanks or wells. You should make a careful inspection of the property to determine that such environmental contamination or conditions do not exist.

Sincerely,

PIETERS & PIETERS

A handwritten signature in black ink, appearing to read 'John S. Pieters, Sr.', written over the printed name.

John S. Pieters, Sr.  
(Title Guaranty #2258)

JSP/tm

C:\Data\John Sr\City of Jesup\City Hall\TO-City of Jesup - City Hall did 07-24-09-tm.DOC